Mr Harsh Garg, Advocate.
Mr Vikas Chaudhary, AAG Haryana.

This petition has been filed under Section 482 CrPC for the issuance of appropriate directions for handing-over the investigation of FIR 88 dated 25.3.2007 registered at Police Station, Pundri, District Kaithal, to some independent agency. A further prayer has been made for providing security to the petitioners as they are being terrorized and threatened by the complainant with the support of respondents-3 and 4 to withdraw the case.

On 5.4.2007 a copy of the petition was ordered to be handed over to the State counsel to enable him to seek instructions. Mr Vikas Chaudhary, AAG Haryana has produced the file. Mr Badri Parshad, DSP, Guhla (respondent-3) is also present in Court. The case file has been perused and counsel for the parties heard.

A perusal of the file shows that the matter in respect of FIR 88 dated 25.3.2007 is still under investigation. The medical examination of the victim (petitioner-1) has been conducted. Learned counsel for the State, on instructions from the DSP has submitted that the clothes of petitioner-1 have been sent to FSL Madhuban for chemical examination. It is submitted that absolutely fair and proper investigation would be carried out. Learned counsel for the petitioner, however, is apprehensive that petitioners are very poor and they are not likely to be given full justice. It is submitted that in view of the pressure on petitioner-1, her statement under Section 164 CrPC should be got recorded. It is also submitted during the course of hearing that in the office of respondent-3, the petitioners were pressurized and threatened and were forced to say that they do not want to pursue the FIR in

question. Therefore, it is stated that the investigating officer (respondent-3) is liable to be changed.

I have given my thoughtful consideration to the matter.

In ***State of Haryana v. Ch Bhajan Lal*** AIR 1992 SC 604, it was held that the investigation of a cognizable offence is the field exclusively reserved for the Police officers whose powers in that field are unfettered so long as the power to investigate into the cognizable offences is legitimately exercised in strict compliance with the provisions falling under Chapter XII of the Code and the Courts are not justified in obliterating the track of investigation when the investigating agencies are well within their legal bounds as aforementioned. Therefore, the power of investigation being unfettered, it is not for this Court to issue directions as regards the manner in which the investigation is liable to be conducted. That is the domain of the investigating authority. The petitioner may, therefore, approach the investigating authorities or even higher authorities so as to get her statement recorded under Section 164 CrPC, if that is felt necessary. Even in respect of the chemical examination or the scientific examination which the petitioner apprehends is not being carried out, the petitioner can approach the higher authorities, if so advised. However, in view of the law laid down in State of Haryana v. Ch Bhajan Lal (supra), this Court is normally not to interfere in the investigation process, which is the domain of the investigating authority.

With the above observations, the present petition is disposed of.

24.4.2007. (S.S.SARON)
ASR JUDGE